

**MSC HOTLINE CASE #201302039**  
**COMPLETION REPORT**  
**26 August 2013**

From: Inspector General, Military Sealift Command  
To: Commander, Military Sealift Command

Subj: DOD HOTLINE COMPLAINT #201302039 INVESTIGATION  
COMPLETION REPORT

Ref: (a) NIGHTS Tasker of 16 July 2013  
(b) SECNAVINST 5370.5B  
(c) OPNAVINST 6110.1J  
(d) BUPERSINST 1610.10C

1. Reference (a) tasked the COMSC Inspector General with investigating an anonymous complaint sent to the Pacific Fleet Inspector General alleging favoritism in evaluations and Physical Readiness Test inconsistencies aboard the USNS MERCY. Per reference (b), my office reviewed the complaint and conducted an investigation to determine the truth in the matter.

a. Investigator and Identifying Information. b6  
b6 b7c k2 , b6 b7c , b6 b7c k2  
b6 b7c , b6 b7c , Office of the Inspector General, 914  
Charles Morris Court, SE, Washington Navy yard, DC  
20398-5540, telephone: (202) b6 b7c k2 , email:  
b6 b7c k2 @navy.mil.

b. Location of Working Papers. Office of the  
Inspector General, COMSC, 914 Charles Morris Court, SE  
Washington Navy Yard, DC 20398-5540.

c. Classification of Information. UNCLASSIFIED.

2. **Background and Summary.** On 16 July 2013, the COMSC IG was tasked by the United States Fleet Forces Command (USFFC) IG to investigate an anonymous complaint alleging favoritism in evaluations and inconsistencies with Physical Readiness Test Scores onboard the USNS MERCY, (T-AH-19). An inquiry was initiated following the USFFC tasking leading to an allegation against the Commanding Officer. An investigative team consisting of b6 , b6 b7c k2 ; b6 b7c k2 , b6 b7c k2 ; and b6 b7c k2 , b6 , b6 b7c k2 , boarded the USNS MERCY in San Diego, California on 22 July 2013 to obtain sworn testimony and supporting

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documentation to determine the facts in response to the complaint. NAVINSGEN authorized a full investigation on 07 August 2013.

The anonymous complaint states that several crewmembers failed the Body Composition Assessment (BCA) portion of the Physical Fitness Assessment (PFA) during the ship's PFA cycle in May 2013 (13-1), yet were entered as passing in the Physical Readiness Information Management System (PRIMS). The complaint further alleges that one First Class Petty Officer appears to have been out of standards for some time, yet has received passing scores for the PFA and Early Promote (EP) recommendations on her performance evaluations (Evals). The complaint states that crew morale has been impacted by these apparent irregularities, and states that a complaint to the Command Managed Equal Opportunity representative (CMEO) resulted in no action. The complaint did not address irregularities with the Commanding Officer's BCA, but as irregularities were discovered during the investigation, such an allegation is added in this report.

3. **First Allegation.** That between 09-23 May 2013, **b6** **b6 b7c k2**, **b6 b7c k2**, Medical Treatment Facility, USNS MERCY, violated 10 U.S.C. § 5947, by knowingly avoiding a proper Body Composition Assessment for PFA Cycle 13-1 and knowingly accepting a BCA grade of PASS even though a proper BCA was not conducted, therefore setting an example contrary to virtue, honor and subordination. **Substantiated.**

a. Findings.

(1) OPNAVINST 6110.1J requires all military personnel to participate in a semi-annual Physical Fitness Assessment (PFA) consisting of a Body Composition Assessment (BCA) and a Physical Readiness Test (PRT). The BCA is comprised of a height and weight measurement to be taken by the Command Fitness Leader (CFL) or Assistant Command Fitness Leader (ACFL) and observed by at least one other trained observer. If a member's weight is over the maximum for their height, a tape-measure circumference test is used to calculate the member's body fat percentage per a

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chart in the instruction and a calculation done in the PRIMS database. For males of 40 years or greater in age, the maximum body fat percentage is 23%. Failure of the BCA portion of the PFA precludes a member from participating in the PRT.

(2) **b6 b7c k2** PRIMS record shows 69 inches for height and 186 lbs for weight entered for cycle 13-1. It also shows the same height and weight entered for cycle 12-2, 12-1 and 11-2. 186 lbs is the maximum weight that will not trigger a circumference test for **b6 b7c k2** height of 69 inches.

(3) **b6 b7c k2** stated under oath that he did not get weighed for the cycle 13-1 BCA. He stated that when the CFL told him that he (CFL) had already entered his (**b6 b7c k2**) weight in PRIMS, he (**b6 b7c k2**) responded that he (**b6 b7c k2**) thought he (**b6 b7c**) was a few pounds over. In a follow-up email to the IG, **b6 b7c k2** stated that he thinks he told the CFL that he weighed 193 lbs that morning at home, and stated that he (**b6 b7c k2**) never pursued what appeared to be an incorrect weight entry in PRIMS because he "assumed [he would] easily tape in . . .". In the same email, **b6 b7c k2** stated, "In retrospect clearly an absolutely bad decision that I know I wouldn't make if I paused to think about it more - but I didn't. Not trying to excuse the behavior - it was clearly wrong - maybe just trying to figure out how I could have let it happen."

(4) The CFL stated under oath that **b6 b7c k2** reported his weight verbally, and that the weight reported was within standards. He confirmed in an e-mail to the IG that **b6 b7c k2** reported his weight as 186. This is inconsistent with **b6 b7c k2** statement and email.

(5) **b6 b7c k2**, **b6 b7c k2**, stated under oath to the IG that **b6 b7c k2** said to her words to the effect of "I didn't weigh in and I think what they did is they just took my last weight."

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(6) b6 b7c k2 participated in the cycle 13-1 PRT on 17 May 2013, executing 36 curl-ups, 30 push-ups, and burning 120 calories on the bike; resulting in a score of "good."

(7) On 24 July 2013, during the preliminary inquiry, b6 b7c k2, b6 b7c k2 and b6 b7c k2, b6 b7c k2 performed a BCA on b6 b7c k2 which was observed by b6 b7c k2. The results are in the table below. The email referenced above from b6 b7c k2 to the IG also acknowledged this test and the resulting weight of 197.4 lbs.

b6 b7c k2 (b6 b6 b7c k2) (24 July 13)				
Height	Weight	Neck	Waist	Body Fat %
(b)(6), (b)(7)(c)	(b)(6), (b)(7) (c)	(b)(6), (b) (7)(c)	(b)(6), (b) (7)(c)	(b) (6),

b. Conclusion. b6 b7c k2 knowingly failed to submit to a proper BCA, and participated in the PRT without a proper BCA. At worst, b6 b7c k2 verbally provided a false weight to the CFL for his BCA. At best, b6 b6 b7c verbally provided a correct failing weight to the CFL yet accepted an incorrect PRIMS entry of a passing weight, and never took action to correct the false entry. This conduct violates the requirements of 10 U.S.C. § 5947 and OPNAVINST 6110.1J, and may constitute a false official statement under Article 107 of the UCMJ.

4. **Second Allegation.** That on or about 09 May 2013, b6 b6 b7c k2 b6 b7c k2, b6 b7c k2, USNS MERCY, violated UCMJ, Article 107, by knowingly and willfully making a false official statement. Specifically, b6 b7c k2 entered false height and weight information into the Physical Readiness Information Management System (PRIMS) database for both b6 b7c k2 and b6 b7c k2. **Substantiated.**

a. Findings.

(1) b6 b7c k2 admitted under oath to entering the height and weight data into PRIMS for b6 b7c k2 without conducting a height/weight measurement.

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Specifically, b6 b7c k2 stated, "I walked into [b6 b7c k2] office and said, 'Sir, are you ready to do your BCA? I just need to know your weight, sir?' Then once he told me his weight, then I looked at his height chart and he was within standards. . . [Then, in response to IG questions 'So he verbally told you his weight?' and 'You didn't weigh him?'] . . . 'That's correct. . . I didn't feel [sounds like] otherwise for the Captain not to be truthful.'"

(2) b6 b7c k2 stated in a follow up e-mail to the IG on 16 Aug 13 that 'b6 b7c k2 provided his weight of 186 lbs., and no other guidance was provided/implied. . ."

(3) As reflected in the facts outlined in allegation one above, b6 b7c k2 has stated under oath and in a follow-up email that he verbally informed b6 b7c k2 that his weight for the cycle 13-1 BCA was greater than (b)(6), (b)(7)(c) . b6 b7c k2 statements above are inconsistent with b6 b7c k2 statements.

(4) b6 b7c k2 entered a height of (b)(6), (b)(7)(c) and a weight of (b)(6), (b)(7)(c) and a grade of passed for b6 b7c k2 13-1 BCA score without conducting a proper height/weight measurement. This data has been exactly the same for b6 b7c k2 dating back the last three PFA cycles (second cycle of 2011).

(5) b6 b7c k2 stated under oath that b6 b7c k2 failed her initial BCA and was never retested. He stated she was nonetheless given a passing score, and that the false score was motivated by his desire not to interfere with her ability to obtain severance pay when she separates from the Navy due to high year tenure (HYT) in September 2013.

(6) PRIMS record data provided by OPNAV 17 showed that for USNS MERCY Cycle 13-1 b6 b7c k2 had the below information entered into PRIMS

b6 b7c k2					
Height	Weight	Neck	Hips	Waist	BCA%
(b)(6), (b)(7)	(b)(6), (b)(7)	(b) (6)	(b) (6)	(b) (6)	(b) (6)

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b. Conclusion. b6 b7c k2 entered false data into PRIMS for b6 b7c k2. If b6 b7c k2 statement is accepted as true, b6 b7c k2 entered a weight of (b)(6), (b)(7) lbs in PRIMS for b6 b7c k2 (and never corrected it) despite being told by b6 b7c k2 that he weighed more than (b)(6), (b)(7)(c). If b6 b7c k2 statement is accepted as true he entered the weight (186lbs) told by b6 b7c k2 into PRIMS without ever taking a weight measurement.

5. **Third Allegation.** That during cycle 13-1 (1 January - 30 June 2013) of the USNS MERCY Physical Fitness Assessments (PFA), b6 b6 b7c k2, USNS MERCY, failed to conduct the semi-annual PFA in accordance with Navy guidelines in violation of OPNAVINST 6110.1J. **Substantiated.**

a. Findings.

(7) Five types of irregularities were discovered in the MERCY PFA for cycle 13-1: (a) False data was entered into PRIMS (addressed above and not reiterated here), (b) the b6 verbally reported his weight (addressed above and not reiterated here), (c) the CFL has not completed the 5-day training course, (d) "bad day" BCAs were allowed, and (e) one-on-one BCAs were conducted.

(8) Five-day Training Course.

i. OPNAVINST 6110.1J requires all designated CFLs to complete the OPNAV-approved 5-day CFL certification course within three months of assignment as CFL. The instruction lists attending the training as a duty of the CFL and lists "maintain[ing] one certified CFL to administer the requirements of [the PFA instruction]" as a duty of the CO.

ii. ACFLs are not required to attend the five-day course.

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- iii. b6 b7c k2 was functioning as the CFL for the USNS MERCY prior to b6 b7c k2 taking command in March 2013. b6 b7c k2 was re-designated as ship's CFL by an undated letter, from b6 b7c k2 after b6 b7c k2 assumed command. b6 b7c k2 previously served as b6 b7c k2 of MTF MERCY.
- iv. Under oath the b6 stated that b6 b7c k2 had not attended the 5-day certification course. b6 b7c k2 stated that the b6 told him b6 b7c k2 had not attended the course at some point after the subject allegations arose.
- v. b6 b7c k2 stated in a 19 Aug 13 e-mail to the IG that he had not completed the 5 day Navy Course but had completed the NKO training.
- vi. b6 b7c k2 stated he completed the NKO course. b6 b7c k2 or stated the ACFLs had not received any formal training, and that she received training from other ACFLs. b6 b7c k2 stated that she had attended the five-day course when stationed at Balboa Hospital. b6 b7c k2 stated that the ACFLs were scheduled to go to the five-day course "next month," and that aside from that ACFL training was reading the instruction.
- vii. *Conclusion.* The CFL had not attended the five-day training course within three months of being designated as CFL. He has a duty under OPNAVINST 6110.1J to attend the course and the b6 had a duty under OPNAVINST 6110.J1 to ensure he attended the course.

(9) Bad Day BCAs.

- i. OPNAVINST 6110.1J allows "bad day" retesting for the PRT portion of the PFA under certain

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circumstances. It specifically prohibits "bad day" retesting for the BCA portion.

- ii. BCA testing dates were designated in writing in advance for the 13-1 PFA cycle by b6 letter dated 25 Feb 13, and members were required to sign in for their BCA. Results were recorded in writing on forms that had carbon copy receipts for the members.
- iii. b6 b7c k2 stated under oath that she witnessed three personnel fail the BCA on the date promulgated by the b6 letter: b6 b6 b7c, b6 b7c k2, and b6 b7c k2.
  1. b6 b7c k2 stated that the b6 b7c k2 failure was conducted by her and b6 b6 b7c, and that he was within (b) (6) of passing the circumference test. b6 b6 b7c corroborated the b6 b7c k2 failure in her statement.
  2. b6 b7c k2 stated that b6 b7c k2 and b6 b7c k2 failures were conducted by her and b6 b7c k2, and that b6 b6 b7c k2 was off the chart and probably approximately (b) (6), (b) (7) over, and b6 b7c k2 approximately (b) (6), (b) (7)(c) over, in the circumference test.
- iv. b6 b7c k2 admitted under oath that b6 b6 b7c, b6 b7c k2, and b6 b7c k2 were all BCA failures when tested on the promulgated date. b6 b7c k2 stated that b6 b7c k2 and b6 b7c k2 were then considered "courtesy" BCAs, and that they were permitted to be reweighed/remeasured approximately a week later, at which time they passed. b6 b7c k2 stated that he never re-tested b6 b7c k2 (reflected in the false statement allegation above). b6 b6 b7c stated that she was aware certain members were allowed additional time to get into standards.

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- v. b6 b7c k2 also stated that he thinks b6 b7c k2 and b6 b7c k2 were failures at the BCAs on the promulgated date and allowed to re-measure later. A second BCA measurement is confirmed by record data in that USNS MERCY PFA records indicate both members signed in for BCA on 9 May 13 but records obtained from OPNAV 17 indicate a BCA completion date of 15 May 13 in PRIMS.
- vi. b6 b7c k2 stated that he conducted the re-tests as one-on-one BCAs.
- vii. b6 b7c k2 stated she was told by b6 b7c k2 that the members that failed would still be permitted to participate in the PRT. She further stated that prior to the PRT, b6 b7c k2 provided the ACFLs with a PRIMS list showing everyone as passing.
- viii. b6 b7c k2 recalls entering b6 b7c k2 failing BCA in PRIMS and apologizing to b6 b7c k2 because b6 b7c k2 had intended to consider the failing BCA a "courtesy."
- ix. b6 b7c k2 stated he recalls changing b6 b7c k2 BCA entry in PRIMS, but states that was the only one he changed in PRIMS. He also stated that he threw away the paper record from b6 b7c k2 failed BCA.
- x. Data provided to the IG by OPNAV 17 shows b6 b7c k2 initial entry for b6 b7c k2 on 09 May as FAIL. The data also shows that a change was entered on 23 May 13 to PASS by b6 b7c k2. Detail in chart below.

Date	Height	Weight	Neck	Waist	BCA%
5/9/13	(b)(6), (b)(7)(c)	(b)(6), (b)(7)	(b)(6)	(b)(6)	(b)(6)
5/23/13	(b)(6), (b)(7)(c)	(b)(6), (b)(7)	(b)(6)	(b)(6)	(b)(6)

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- xi. *Conclusion.* Though the CFL may have rationalized allowing re-testing for the failed BCAs as "courtesy" BCAs, the fact that the BCA dates were promulgated in advance, that the entire command participated in the BCA on the same few designated days, and that members signed in for their BCA and received carbon-copies of the BCA records all support a conclusion that the re-testing was, in fact, allowance of a "bad day" BCA in contravention of OPNAVINST 6110.1J's prohibition.

(10) One-on-One BCAs.

- i. [b6 b7c k2] admitted to conducting [b6 b7c k2] second BCA one-on-one.
- ii. [b6 b7c k2] stated she believes [b6 b7c k2] BCA was one-on-one. Specifically, when asked whether one-on-one BCAs were conducted, she stated, "I heard that it happened, but I didn't personally experience it . . . I would imagine that it would have been [b6 b7c k2] only because if there was or not [sic.] something happened to where the measurements weren't accurate because her body composition hasn't really changed in the past year-and-a-half that she's been here." [b6 b7c k2] confirmed in his statement that [b6 b7c k2] second BCA was one-on-one.
- iii. [b6 b7c k2] stated that he thinks [b6 b7c k2] and [b6 b7c k2] were given one-on-one BCAs. While not corroborated by the statements of anyone else, [b6 b7c k2] recollection is supported by the fact that both [b6 b7c k2] and [b6 b7c k2] signed in for BCAs on 9 May 13, but PRIMS shows BCA completion dates of 15 May 13.
- iv. [b6 b7c k2] stated, and [b6 b7c k2] statement strongly implied, that [b6 b7c k2]

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BCA was conducted one-on-one by b6 b7c k2 .  
b6 b7c k2 was not present during the  
promulgated BCA dates because he was TAD  
away from the ship.

- v. *Conclusion.* One-on-one BCAs were conducted by b6 b7c k2 in violation of OPNAVINST 6110.1J. At least two (b6 b7c k2 and b6 l b6 b7c k2 ) were conducted in relation to "bad day"/"courtesy" BCAs; two others related to "bad day"/"courtesy" BCAs (b6 b7c k2 and b6 b6 b7c k2 ) were admitted to by b6 b7c k2 and corroborated by PRIMS data but not ACFL statements; and one (b6 b7c k2 ) was conducted due to TDY during BCA dates and not related to the separate "bad day"/"courtesy" BCA issue.

(11) FEP records show the following pertinent information for b6 b7c k2 and b6 b7c k2 compared to PFA 13-1 data:

b6 b7c k2						
	Height	Weight	Neck	Hips	Waist	BCA%
13-1 BCA PRIMS Data (17 MAY 13)	(b) (6), "	(b)(6), (b)(7)	(b) (6)	(b) (6)	(b) (6)	(b) (6)
First FEP Measurement (7 Jun 13)	(b) (6), "	(b)(6), (b)(7)	(b)(6), (b) (7)(c)	(b) (6)	(b)(6), (b) (7)(c)	> (b) (6), ( (b) (6), ) *

b6 b7c k2						
	Height	Weight	Neck	Hips	Waist	BCA%
13-1 BCA PRIMS Data (17 May 13)	(b)(6), (b) (7)(c) "	(b)(6), (b)(7)	(b) (6)	(b) (6)	(b) (6)	(b) (6)
First FEP Measurement (7 Jun 13)	(b)(6), (b) (7)(c) "	(b)(6), (b)(7)	(b)(6), (b) (7)(c)	(b)(6), (b) (7)(c)	(b) (6)	> (b) (6), ( (b) (6), ) *

\* = Actual Calculated BCA Via PRIMS based on the recorded circumference measurements.

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(12) The information in the charts above calls into question whether b6 b7c k2 was ever actually within BCA standards during the 13-1 PFA cycle. The information in the charts further supports a conclusion that b6 b7c k2 was never actually within standards during the 13-1 PFA cycle.

b. Conclusion. b6 b7c k2 failed to conduct the 13-1 cycle PFA in accordance with OPNAVINST 6110.1J. Specifically, he falsified PRIMS data for at least one BCA b6 b7c k2, accepted a verbal weight for one BCA b6 b7c k2), conducted the PFA despite not having attended the five-day certification course within three months of being designated as CFL, permitted at least two (b6 b7c k2 and b6 b7c k2) to b6 (b6 b7c k2 and b6 b7c k2) "bad day" BCAs, and conducted at least three (b6 b7c k2, b6 b7c k2 and b6 b7c k2) and likely five (also b6 b7c k2 and b6 b7c k2) one-on-one BCAs. This conclusion assumes that b6 b7c k2 was, in fact, re-weighed despite the information about her weight status in the chart above.

6. **Fourth Allegation.** That during cycle 1 (1 January - 30 June 2013) of the USNS MERCY Physical Fitness Assessments (PFA), b6 b7c k2, Commanding Officer, USNS MERCY, failed to execute all requirements of OPNAVINST 6110.1J.  
**Substantiated.**

a. Findings.

(1) OPNAVINST 6110.1J provides that Commanding Officers shall:

- i. "Comply with and execute all requirements of [the PFA] instruction, utilizing the Operating Guide and Web site to obtain additional guidance for program operation, . . .
- ii. "Designate (in writing) and maintain one certified CFL to administer the requirements of [the PFA] instruction . . .

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- iii. "Ensure proper safety precautions are followed during command or unit, PF, PFAs and FEP, . . . [and]
- iv. "Ensure fitness reports and performance evaluations accurately reflect PFA performance and that all recommendations for promotions and advancements are conducted per the requirements of [BUPERSINST 1610.10C] . . ."

(2) b6 b7c k2 verbally reported his weight to b6 b7c k2 .

(3) b6 b7c k2 was not sent to the five-day CFL certification course.

(4) Assuming b6 b7c k2 was given approximately a week to reduce her body fat composition to within standards, she would have had to have lost approximately 10% body fat in that time. It is reasonable to conclude such extreme weight loss is not a safe activity.

(5) Evaluations for first class petty officers are issued in November, so no evaluation reflecting b6 b7c k2 13-1 cycle pass has been completed. b6 b7c k2 received block 20 notation (b)(6), (b)(7) " indicating passing both PFA cycles during the reporting period and an (b)(6), (b)(7)(c) " rating on her 15 November 2012 evaluation. This ROI cannot conclusively state that b6 b7c k2 November 2012 evaluation (by b6 b7c k2 while he was b6 b7c k2) was incorrect; however, much of the information in this report seems to indicate that it may in fact be incorrect.

b. Conclusion. b6 b7c k2 has not complied with the duties assigned to him by OPNAVINST 6110.1J. In particular, his CFL has not received the required training, and was - if b6 b7c k2 did in fact cut weight for a final measurement - engaged in unsafe practices.

5. Recommendation. Corrective actions at the discretion of the Commander, Military Sealift Command should be taken in

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light of the substantiated allegations against b6 b7c k2  
b6 b7c and b6 b7c k2 .

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